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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,555	03/12/2002	Nobuyuki Kanno	FY 16755PCTUS	4606
25776	7590	03/23/2004	EXAMINER	
ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,555	KANNO ET AL. <i>My</i>	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 December 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-16, 24 and 25 is/are allowed.

6) Claim(s) 17-23 and 26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. The amendment filed by applicant on December 31, 2003 is acknowledged.

Claim Objections

2. Claims 1, 17 and 19 are objected to because of the following informalities: on line "at least" is recited back-to-back. On occurrence of "at least" should be deleted.
3. In claim 17, line 7, "said operator" should apparently be --said operator control--.
4. In claim 19, line 2, "a" before "second" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17-23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kan et al. (US Patent 5,927,414).

Kan et al. teaches a pushing electric motor-operated wheelchair (D) including a frame (1) provided with a rearwardly placed push handle (8, 9), a wheel (4, 5) journaled by the frame, a motor (21) for driving the wheel, a human force detecting means for

detecting the amount of human force applied to the push handle when the push handle (8, 9) is pushed forward, an operator control (as described in column 8, lines 40-46) for selectively propelling the wheelchair backward, and a motor control (20) for driving the motor (21) forward in an amount according to the detected value coming from the human force detecting means and for driving the motor (21) backward when the operator control (12a) is turned on. Re claim 17, the wheelchair (D) has an operator control (12a) for propelling the wheelchair backward (as described in column 8, lines 40-46), and a motor control for driving the motor (21) forward according to the detected value coming from the human force detecting means (see column 8, lines 34-40) and for driving the motor (21) backward when the operator control (12a) is turned on (i.e. detection made/operator activated by pulling or pushing of the handles/grips (8, 9)). Re claim 18, the detecting means (51, 52, 53, 54) is a zero point detecting means for outputting a zero point signal when the relative movement amount of the handle (8, 9) is a specified value, and the motor control means (20) controls the motor (21) using a reference value which is the value detected with the human force detecting means when the zero point signal is outputted (as described in column 8, lines 52-67 and column 9, lines 1-44). Re claim 19, the motor control means (20) controls the motor (21) according to first and second insensible zones, the first insensible zone including the area where the relative movement amount of the push handle (8, 9) is smaller than the specified value, and the second insensible zone is greater than the specific value to an upper limit greater than the specific value (i.e. the need to exceed predetermined values for forward and reverse assist, as described in column 8, lines 4-67). Re claim

20, the motor control means (20) drives the motor (21) forward according to the value detected when the detected value is beyond the second insensible zone, makes the output of the motor (21) zero when the detected value is in the second insensible zone, and causes the motor (21) to function as a generator brake (as described in column 9, lines 23-44) when the detected value is in the first insensible zone. Re claim 21, the operating sections are the sections of external members (55, 56) that receive the handle legs. The operating sections clearly have slits, as illustrated in Figure 12. Re claim 22, the connecting member/guide (58) connects the movable handles disposed in the grip members (8, 9) to the operating section. Re claims 23 and 26, the push handles (8, 9) are made up of right and left leg portions secured to the frame (1) of the wheelchair (D) and extending upward and the grips (8, 9) are capable of relative back-and-forth movement, and the detecting means (51, 52, 53, 54) detects the human force from the relative movement amount of the movable grip (8, 9).

Response to Arguments

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the separate reverse control switch" allegedly recited in claim 17) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. In response to applicant's argument regarding the "zero point detection" Kan et al. clearly teaches an on/off control switch and a detection device that operates the motor based on the magnitude of pushing and pulling force applied to the handles operated by an assistant (i.e. if no force is "detected", the motors do not propel the wheelchair). Applicant's attention is directed to column 7, lines 1-29 and column 8, lines 34-46.

Allowable Subject Matter

8. Claims 1-16, 24 and 25 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heimbrock et al. shows a stretcher having a motorized wheel.

Inoue shows a control-apparatus for electric vehicle.

Egawa et al. shows a walking aid apparatus.

Ishida shows a motor-driven vehicle.

Ishida shows another motor—driven vehicle control apparatus.

Davidson shows a stroller including motorized wheel assembly.

Fujii et al. shows a conveyance apparatus.

Owens et al. shows a personal emergency carrier vehicle.

Ruse shows powered invalid-chairs.

Shieman et al. shows a motorized vehicle for moving hospital beds and the like.

11. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.



Avery

March 12, 2004